

ESTTA Tracking number: **ESTTA496523**

Filing date: **09/25/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91202219
Party	Plaintiff Eat Right Foods Ltd.
Correspondence Address	SIMONE M KATZ ONEILL SHARTISIS FRIESE LLP ONE MARITIME PLAZA, 18TH FLOOR SAN FRANCISCO, CA 94111 UNITED STATES skatz@sflaw.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Joseph V. Mauch
Filer's e-mail	jmartin@sflaw.com, jmauch@sflaw.com, calendar@sflaw.com
Signature	/Joseph V. Mauch/
Date	09/25/2012
Attachments	Notice of Reliance No. 33.pdf (2 pages)(869123 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

EAT RIGHT FOODS LTD.,

Opposer,

v.

KEVIN LEVILLE,

Applicant.

Opp. No.: 91202219

Ser. No.: 77/868,068

Date of Publication:
April 26, 2011

OPPOSER EAT RIGHT FOODS LTD.'S
NOTICE OF RELIANCE NO. 33

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that, pursuant to 37 C.F.R. § 2.122(d) and 704.03(b)(1)(A) of the Trademark Trial and Appeal Board Manual of Practice and Procedure, Opposer Eat Right Foods Ltd. provides Notice of Reliance on Applicant Kevin Leville's Registration No. 3,898,699, prepared and issued by the United States Patent and Trademark Office, submitted herewith.

Dated: September 25, 2012.

Respectfully Submitted,
SHARTSIS FRIESE LLP

By: _____


JOSEPH V. MAUCH

Attorneys for Opposer
EAT RIGHT FOODS LTD.

United States of America

United States Patent and Trademark Office

EAT RIGHT AMERICA

Reg. No. 3,898,699

Registered Jan. 4, 2011

Int. Cl.: 44

SERVICE MARK

PRINCIPAL REGISTER

NUTRITIONAL EXCELLENCE, LLC (CONNECTICUT LIMITED LIABILITY COMPANY)
76 NUBEL LANE
NEW CANAAN, CT 06840

FOR: PROVIDING A PERSONALIZED NUTRITIONAL ASSESSMENT, HEALTH RISK EVALUATION AND PERSONAL EATING PLAN BY MEANS OF THE INTERNET; PROVIDING ONLINE INFORMATION IN THE FIELDS OF HEALTH, NUTRITION AND LIFESTYLE WELLNESS; PROVIDING AN ONLINE COMPUTER DATABASE FEATURING INFORMATION IN THE FIELDS OF HEALTH, NUTRITION AND LIFESTYLE WELLNESS; PROVIDING A WEBSITE THAT FEATURES INFORMATION IN THE FIELDS OF HEALTH, NUTRITION AND LIFESTYLE WELLNESS; PROVIDING ONLINE SOCIAL NETWORKING SERVICES, IN CLASS 44 (U.S. CLS. 100 AND 101).

FIRST USE 6-30-2008; IN COMMERCE 3-15-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,662,109.

SER. NO. 77-868,078, FILED 11-9-2009.

ELISSA GARBER KON, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office